

Appl. No. : 10/726,256  
Filed : December 2, 2003

#### COMMENTS

Claims 33-41 and 43-46 remain pending in the present application, Claims 33, 36, 38 and 45 having been amended. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed August 2, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

#### Warner Does Not Anticipate Claims 33-41 and 43-46

Claims 33-41 and 43-46 stand rejected under 35 U.S.C. § 102(b) as being as being anticipated by U.S. Patent No. 5,641,068 issued to Warner. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have amended Claim 33, 36, 38 and 45. Applicants expressly reserve the right to further prosecute the original version of Claims 33-41 and 43-46 through continuation practice.

Warner teaches a pair of foam cushions 20 and 22. The foam cushion 20 has a plurality of foam fingers protruding toward the foam cushion 22 and the foam cushion 22 has a plurality of foamed fingers protruding toward the foam cushion 20. A part 21 is interposed between the foam fingers of the foam cushions 20 and 22.

Warner, however, does not disclose or suggest using any sheet material. Rather, Warner discloses that the foam cushions 20 and 22, each have a plurality of foam fingers. (Please see Fig. 2 of Warner below.)

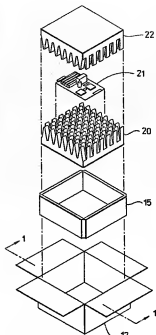


FIG. 2

In contrast with Warner, Claims 33, 36, 38 and 45 now recites, among other recitations, “a first retention member extending between the first and second free edges and comprising a sheet material, a second retention member extending between the third and fourth free edges and comprising a sheet material.” In an exemplary embodiment in Figs. 3 and 6 and the related description of the present application, it is shown that the retention sleeves 14 and 14' has a sheet material. (Please see Figs. 3 and 6 of the present application below.)

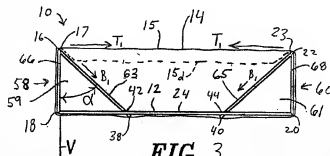


FIG. 3



is handled to be positioned between the stretchable sheets 7 and 12 of the rigid frames 3 and 9.

Ridgeway, however, does not disclose, either expressly or inherently, the nesting engagement of the two frames with each other. Rather, Ridgeway discloses that the frames 3 and 9 are spaced from each other. (Please see Fig. 2 of Ridgeway below.)

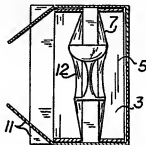


FIG. 2

In contrast with Ridgeway, Claim 33 now recites, among other recitations, "the first and second frame members being configured to nest with each other." In an exemplary embodiment in Fig. 8 and the related description of the present application, it is stated that the subassemblies 10, 10' can be nested with each other when stacked in an opposed arrangement. (Please see Fig. 8 of the present application below and page 14, lines 22 and 23 of the present application.)

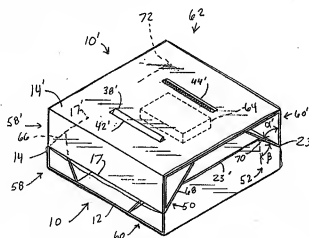


FIG. 8

Applicants respectfully direct the Examiner to page 14, lines 21 to 27 of the specification of the present application which disclose that “[b]y providing at least one of the assemblies 10, 10' with tapered portions, such as tapered portions 66, 68, 70, 72, the subassemblies 10, 10' can be nested with each other when stacked in an opposed arrangement. By configuring the subassemblies 10, 10' to nest, as shown in Figure 8, the retention sleeves 14, 14' are further tightened and preferably stretched around the article 64 due to the nesting engagement of the peripherally extending structures 58', 60' with the tapered portions 66, 72 and 68, 70, respectively.”

Ridgeway fails to teach such a feature among other features of Claim 33. Thus, Applicants submit that Claim 33 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that Claim 34 also defines over the Ridgeway reference, not only because it depends from Claim 33, but also on its own merit.

Lofgren Does Not Anticipate Claims 33-35, 37, 43, 44 and 46

In the Response to Arguments section of the Office Action dated August 2, 2006, the Examiner indicated that Applicants' arguments are not persuasive. In the previous Office Action dated February 14, 2006, Claims 33-35, 37, 42-44, 46 and 63-68 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,852,743 issued to Ridgeway. Claims 42 and 63-68 have been canceled in the previous Amendment dated May 15, 2006. Thus, Claims 33-35, 37, 43-44 and 46 still stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lofgren. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have amended Claim 33. Applicants expressly reserve the rights to further prosecute the original versions of Claims 33-35, 37, 43-44 and 46 through continuation practice.

Lofgren teaches a suspension package 10 having a stretchable hammock 16 supported by and extending between two end panels 14. The package 10 includes a base 12 and the first and second end panels 14. A product P is inserted in the hammock 16. The end panels 14 are supported by braces 18 which are removably attached to the base 12.

Lofgren, however, does not disclose, either expressly or inherently, any nesting engagement. Lofgren does not disclose any other structure having stretchable hammock and configured to nest with the structure described above.

In contrast, Claim 33 recites, among other recitations, “a first retention member extending between the first and second free edges, a second retention member extending

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between the third and fourth free edges, the first and second frame members being configured to nest with each other.”

As noted above, page 14, lines 21 to 27 of the specification of the present application disclose that “[b]y providing at least one of the assemblies 10, 10' with tapered portions, such as tapered portions 66, 68, 70, 72, the subassemblies 10, 10' can be nested with each other when stacked in an opposed arrangement. By configuring the subassemblies 10, 10' to nest, as shown in Figure 8, the retention sleeves 14, 14' are further tightened and preferably stretched around the article 64 due to the nesting engagement of the peripherally extending structures 58', 60' with the tapered portions 66, 72 and 68, 70, respectively.”

Lofgren fails to teach such a feature among other features of Claim 33. Thus, Applicants submit that Claim 33 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that each of Claims 34, 35, 37, 43, 44 and 46 also defines over the Lofgren reference, not only because it depends from Claim 33, but also on its own merit.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: November 2, 2006

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